IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

THURSDAY, THE 22ND NOVEMBER 2007 / 1ST AGRAHAYANA 1929

WP(C).No. 27086 of 2006(Y)

PETITIONER:

KARASSERY SERVICE CO-OPERATIVE BANK LTD.NO.D.2628, (PO) KARASSERY, (VIA) MUKKAM, KOZHIKODE DISTRICT, REPRESENTED BY ITS SECRETARY.

BY ADV. SRI.C.VATHSALAN
SRI.GHOSH YOHANNAN
SRI.K.RAKESH ROSHAN
SMT.THUSHARA.V

RESPONDENTS:

1. **THE STATE OF KERALA, REPRESENTED BY THE SECRETARY, DEPARTMENT OF CO-OPERATION, SECRETARIATE, THIRUVANANTHAPURAM.**

2. **THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL), KOZHIKODE DISTRICT, SAHAKARANA BHAVAN, CALICUT.**

***ADDL.R3 IS IMPLEADED:**

R3. THE MUKKAM SERVICE CO-OPERATIVE BANK LTD. F.1241, MUKKOM, REPRESENTED BY IT SECRETARY.

(*ADDL.R3 IS IMPLEADED AS PER ORDER DTD. 30/11/2006 IN I.A.NO.16649/06)

BY ADV. SRI.V.G.ARUN)
SRI.T.R.HARIKUMAR) forAddl.R3
BY GOVERNMENT PLEADER SMT. M.K.PUSHPALATHA for R1 & R2

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 22/11/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KSS

WPC.NO.27086/2006 Y

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF THE RELEVANT PORTION OF OPERATIONAL GUIDELINES OF THE SCHEME OF GOVERNMENT OF INDIA.**

EXT.P2: **COPY OF THE LETTER SANCTIONING LOAN BY CANARA BANK.**

EXT.P3: **COPY OF THE ORDER DTD. 1/08/2005 BY 2ND RESPONDENTS.**

EXT.P4: **COPY OF THE ORDER DTD. 14/10/2005 BY 2ND RESPONDENT.**

EXT.P5: **COPY OF THE RELEVANT PORTION OF THE BYE-LAW OF THE PETITIONER SOCIETY.**

EXT.P6: **COPY OF THE JUDGMENT DTD. 21/12/2005 IN WP(C) NO. 29073 OF 2005.**

EXT.P7: **COPY OF THE ORDER DTD. 16/02/2006 IN R.P.NO.118 OF 2006 IN WP(C) NO.29073 OF 2005.**

EXT.P8: **COPY OF THE ORDER DTD. 26/05/2006 IN WP(C) NO. 131718 OF 2006.**

EXT.P9: **COPY OF THE ORDER CUM LETTER DTD. 26/09/2006 BY 2ND RESPONDENT.**

/TRUE COPY/

P.S.TO JUDGE

KSS

THOTTATHIL B. RADHAKRISHNAN, J.

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WP(C).No.27086 of 2006-Y

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Dated this the 22nd day of November, 2007.

JUDGMENT

The building construction in question was subject matter of W.A.No.1167/2006 and by force of the judgment in that writ appeal, the petitioner is entitled to carry out the construction in question. Accordingly, Ext.P9 is quashed. The writ petition is allowed accordingly.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

Sha/